

REMARKS

Claims 1 through 21 are pending in this Application. Applicants acknowledge, with appreciation, the Examiner's indication that claims 6, 8, 10, 15, 17 and 19 contain allowable subject matter. Accordingly, the only remaining issue pivots about the patentability of claims 1 through 5, 7, 9, 11 through 14, 16, 18, 20 and 21.

Claims 5 and 14 have been amended consistent with the Examiner's suggestion, to address a perceived informality, without any intention to limit the scope of the originally presented claims. Applicants submit that the present Amendment does not generate any new matter issue, as apparently recognized by the Examiner.

Claim Objection.

The Examiner objected to claims 5, 7, 14 and 16 identifying a perceived informality and suggesting remedial language. As indicated above, claims 5 and 14 have been amended manner consistent with the Examiner's suggestion, thereby overcoming the stated basis for the imposed objection. Applicants clarify that the Amendment was made without any intention to limit the scope of the originally presented claims. Withdrawal of the objection to the claims is, therefore, solicited.

Claims 1 through 5, 7 and 9 were rejected under 35 U.S.C. § 102 for lack of novelty as evidenced by Curd.

In the statement of the rejection the Examiner referred to Fig. 2 of Curd asserting the disclosure of a circuit corresponding to that claimed. This rejection is traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically

claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 USPQ2d 1801 (Fed. Cir. 2003); *Crown Operations International Ltd. v. Solutia Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002). In imposing a rejection under 35 U.S.C. § 102 the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each and every feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). That burden has not been discharged. Moreover, there is a significant difference between the claimed circuit and Curd's circuit that scotch the factual determination that Curd discloses a circuit identically corresponding to that claimed.

Specifically, the bias voltage generating circuit defined in independent claim 1 comprises, *inter alia*, "...a control unit which switches a current driving capability of the driving unit **according to a variation in an amount of current required for the load** in a period for applying the bias voltage to the load" (emphasis supplied). No such circuit is disclosed or suggested by Curd.

Rather, Curd merely discloses a multiplexor to selectively provide a plurality of high-voltage levels to a common conductor, such as Programmable Logic Devices, which typically make use of one or more programmable interconnect arrays to configure themselves to a specific user's design. The programmable interconnect arrays are typically composed of some type of nonvolatile, floating gate memory cell, such as an EPROM, EEPROM, flash EPROM, etc. These memory cells require a plurality of voltage levels, some of which are high-voltage, to program, erase, and verify the cell. The Examiner's attention is invited to the Background of the

Invention and Summary of the Invention. In Fig. 2, a level shifter with CMOS is merely schematically disclosed for illustration purposes.

Based upon the foregoing it should be apparent that Curd neither discloses nor suggests a control unit which switches a current driving capability of the driving unit **according to a variation in an amount of current required for the load** in a period for applying the bias voltage to the load.

The above argued difference between the claimed circuit and Curd's circuit undermines the factual determination that Curd discloses a circuit identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection of claims 1 through 5, 7 and 9 under 35 U.S.C. § 102 for lack of novelty as evidenced by Curd is not factually viable and, hence, solicit withdrawal thereof.

Claims 11 through 14, 16, 18, 20 and 21 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Signell et al. in view of Curd.

In the statement of the rejection the Examiner concluded that one having ordinary skill in the art would have been motivated to employ the specific bias voltage generating circuit of Curd for the bias voltage generated circuit invited by Signell et al. This rejection is traversed.

Applicants would point out that each of independent claims 11 and 20 require, *inter alia*, a control unit which switches the current driving capability of the driving unit **according to a variation in amount of current required between the auto-zero operation and the amplification operation of the amplifier unit**. No such control unit is disclosed or suggested

by Curd as apparent from the arguments advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for lack of novelty as evidenced by Curd, which arguments are incorporated herein. Accordingly, even if the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite fact-based motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

Applicants, therefore, submit that the imposed rejection of claims 11 through 14, 16, 18, 20 and 21 under 35 U.S.C. § 103 for obviousness predicated upon Signell et al. in view of Curd is not factually or legally viable and, hence, solicit withdrawal thereof.

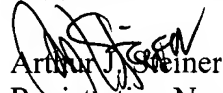
Applicants again acknowledge, with appreciation, the Examiner's indication that claims 6, 8, 10, 15, 17 and 19 contain allowable subject matter. Based upon the foregoing it should be apparent that the imposed objection and rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Application No.: 10/808,575

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Arthur J. Steiner

Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AJS:bjs:ntb/lrd
Facsimile: 202.756.8087
Date: June 21, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**